

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

<b>UNITED STATES OF AMERICA</b>	)	Criminal No.	5 :24 -CR- 503 (DNH)
	)		
<b>v.</b>	)	<b>Indictment</b>	
	)		
<b>EMILIO CHIRICO,</b>	)	Violations:	18 U.S.C. § 1343
	)		[Wire Fraud]; 18 U.S.C.
	)		§ 1711 [Misappropriation of
	)		Postal Funds; 18 U.S.C.
	)		§ 2073 [False Entries and
	)		Reports]
	)		
	)		
	)	10 Counts & Forfeiture Allegation	
	)		
<b>Defendant.</b>	)	County of Offense:	Onondaga

**THE GRAND JURY CHARGES:**

**Background**

1. During the period from May 2012 through March 2023, **EMILIO CHIRICO** was employed by the United States Postal Service (“USPS”) as a station manager at the Dewitt Post Office in Onondaga County, New York. **CHIRICO** was the custodian for the stamp stock inventory sold at the Dewitt Post Office.

2. At the Dewitt Post Office, there were two types of stamp stock inventory: the retail floor stock and the unit reserve. The retail floor stock was the stamp inventory that postal clerks used for day-to-day retail sales at the Post Office. The retail floor stock was accessible to postal employees for retail sales and to stock their drawers.

3. The unit stamp stock reserve was a quantity of stamps used to replenish the retail floor stock. The unit reserve was housed in a safe at the Dewitt Post Office which was under the exclusive custody and control of **CHIRICO**. **CHIRICO** set the combination to the safe; no

other postal employee had access to the unit reserve in the safe. **CHIRICO** was directly accountable for all the items in the unit reserve.

4. The USPS tracked stamp inventory in the retail floor stock and the unit reserve using the USPS retail systems software (“RSS”), with the server housed in Eagan, Minnesota. At any given time, a query could be done in the RSS to see what stamp stock was in the retail floor stock or the unit reserve.

5. When the retail floor stock was low on stamps, it was the custodian’s responsibility to transfer stamps from the unit reserve to the retail floor stock and enter the transfer in the RSS. Another USPS employee served as a witness to the transfer. The employee witness was required to log into the RSS and “accept the transfer” which is captured electronically, and on a USPS Form 17, “Stamp Requisition/Stamp Return” [hereinafter “Form 17”].

6. Pursuant to USPS protocol, the custodian is required to conduct yearly audits of the unit reserve together with another USPS employee. During the audit, the custodian and the other employee must each separately physically count the stamps inside the unit reserve safe and record the count of the stamps in a report called the USPS Form 3294, “Cash/Stamp Credit Count Report,” [hereinafter “Form 3294”] which is generated in the RSS.

7. During the audit, the custodian is noted to be counter 1 on the Form 3294, and the witness is noted to be counter 2. Both counters must log into the RSS using their individual login and password. The Form 3294 also notes what, according to the computer, stamp stock should be in the safe when it’s counted (the system count).

8. Following the count, the report is completed, capturing the physical count summary, which is compared to the system count, to see if there is a shortage or overage. Each

counter's signature appears on the Form 3294 electronically once it is submitted through the RSS. Counter 1 certifies the count to be correct. Counter 2 certifies that they have examined the cash/stamp credit. The electronic signature of both counters will only appear if both counters are logged into the RSS.

**COUNTS 1-6**  
**[Wire Fraud]**

9. The allegations set out in paragraphs 1-8 are hereby incorporated by reference as if fully set forth herein.

10. From in or around January 2021, through and including March 2023, the defendant **EMILIO CHIRICO**, devised and intended to devise a scheme and artifice to defraud his employer, the USPS, and to obtain property by means of materially false and fraudulent pretenses, representations, and promises.

**Manner and Means**

It was part of the scheme and artifice to defraud that:

11. Beginning on a date unknown, through and including March 2023, Defendant **CHIRICO** falsified postal records to conceal the theft of stamp stock from the Dewitt Post Office.

12. From in or around January 2021, through and including March 2023, Defendant **CHIRICO** conducted sham audits of the unit reserve by fraudulently entering another USPS employee's login information into the RSS, to make it appear that another employee audited the unit reserve as counter 2. For each sham audit, **CHIRICO** completed and submitted through the RSS a Form 3294 bearing his electronic signature, as counter 1, and the electronic signature of the USPS employee whose credentials he entered into the RSS as counter 2.

13. From in or around October 2021, through and including February 2022, Defendant **CHIRICO** initiated sham transfers of stamp stock to and from the unit reserve and retail floor stock. By falsely lowering the amount of stamp stock that was expected to be in the unit reserve during an audit or in preparation for an audit and returning the accountability from the retail floor stock to the unit reserve following an audit, **CHIRICO** was able to conceal a shortage of stamp stock in the unit reserve.

14. On or about each of the dates set forth below, in Onondaga County, in the Northern District of New York, and elsewhere, Defendant **CHIRICO**, for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the following writings, signs, and signals described below for each count, each transmission constituting a separate count:

Count	Date	Description	Origin:	Destination:
1	January 29, 2021	Audit, Form 3294	Dewitt Post Office	Eagan, Minnesota
2	October 26, 2021	Audit, Form 3294	Dewitt Post Office	Eagan, Minnesota
3	October 27, 2021	Transfer of \$60,372.36 stamp stock from the retail floor stock to the unit reserve	Dewitt Post Office	Eagan, Minnesota
4	February 10, 2022	Transfer of \$59,194.80 stamp stock from the unit reserve to the retail floor stock	Dewitt Post Office	Eagan, Minnesota
5	February 14, 2022	Transfer of \$61,746.80 stamp stock from the retail floor stock to the unit reserve	Dewitt Post Office	Eagan, Minnesota

6	January 3, 2023	Audit, Form 3294	Dewitt Post Office	Eagan, Minnesota
---	-----------------	---------------------	-----------------------	---------------------

All in violation of Title 18, United States Code, Section 1343.

**COUNT 7**  
**[Misappropriation of Postal Funds]**

15. The allegations set out in paragraphs 1 through 14 of this indictment are hereby realleged and incorporated as if fully set forth herein.

16. Between January 2021 and in or around March 2023, in Onondaga County, in the Northern District of New York, and elsewhere, the defendant **EMILIO CHIRICO**, a United States Postal Service employee, did knowingly and unlawfully convert to his own use postal property in the amount of approximately \$81,553.94, said property coming into his hands and under his control in the execution of his employment as a Postal Service employee; to wit: while employed as a station manager at the Dewitt Post Office, **CHIRICO** stole from the Dewitt Post Office unit stamp stock reserve valued at \$81,553.94.

In violation of Title 18, United States Code, Section 1711.

**COUNTS 8-10**  
**[False Entries and Reports]**

18. The allegations set out in paragraphs 1 through 16 of this indictment are hereby realleged and incorporated as if fully set forth herein.

18. On or about each of the dates set forth below, in Onondaga County, in the Northern District of New York, and elsewhere, the defendant **EMILIO CHIRICO**, a United States Postal Service employee, who was charged with the duty of keeping accounts and records, knowingly and unlawfully with intent to deceive, mislead, injure, and defraud, made false and

fictitious entries and records of any matter relating to and connected to his duties in such accounts and records, each false and fictitious entry and record constituting a separate count:

Count	Date	Record	Description
8	January 29, 2021	Form 3294	L.W. was entered as counter 2 for the audit.
9	October 26, 2021	Form 3294	S.S. was entered as counter 2 for the audit.
10	January 3, 2023	Form 3294	G.S. was entered as counter 2 for the audit.

In violation of Title 18, United States Code, Section 2073.

### FORFEITURE ALLEGATION

The allegations contained in Counts 1 through 6 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

1. Upon conviction of offenses in violation of Title 18, United States Code, Section 1343, as set forth in Counts 1 through 6 of this indictment, the defendant, **EMILIO CHIRICO**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real and personal, which constitutes and is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, the following:

a. a money judgment in the amount of \$81,553.94.

2. If any of the property described above, as a result of any act or omission of

**CHIRICO:**

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;


- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

Dated: December 18, 2024

A TRUE BILL,

  
Grand Jury Foreperson

CARLA B. FREEDMAN  
United States Attorney

By:



Tamara B. Thomson  
Assistant United States Attorney  
Bar Roll No. 515310